

THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.11975 of 2006

Dated:16th June, 2006

Between:

S.K.Madhar, Driver.

.....PETITIONER

AND

The A.P.S.R.T.C,
Rep by its Managing Director,
Musheerabad, Hyderabad & 2 others.

....RESPONDENTS

**THE HONOURABLE SRI JUSTICE
N.V.RAMANA**

W.P.No.11975 of 2006

ORDER:

This writ petition is filed assailing the proceedings of the 3rd respondent-Depot Manager, A.P.S.R.T.C Bus Depot, Jagtial, Karimnagar District, in proceedings No.02/292(4)/95-JGTL, dated 25-11-1995 as confirmed by the respondent No.2/Chief Traffic Manager, A.P.S.R.T.C, Karimnagar Region, Karimnagar in his proceedings No.PA/19(260)/99-RM-KR, dated 04-08-1999, by which the petitioner who is a Driver was imposed a major punishment of deferment of annual increment for a period of two years with cumulative effect, without conducting any enquiry.

The operative portion of the corrigendum issued by the 3rd respondent in proceedings No.02/292(4)/95-JGTL, dated 25-11-1995 reads thus:

“Through the show cause notice cited above the proposed punishment of “Pay reduction by one incremental stage; which shall have cumulative effect (W.C.E) may please be read as “Deferment of increment for a period of (2) TWO YEARS which shall have effect on future increment.”

It is the case of the petitioner that he is working as Driver at respondent-Depot and the 3rd respondent issued a Show Cause Notice-cum-charge-sheet No.02/292(4)/95-JGTL, dated 30-9-1995 on the allegation that the petitioner drove the vehicle in a negligent manner which resulted in fatal accident, for which the petitioner submitted explanation on 07-10-1995. It is the further case of the petitioner that proceedings of the 3rd respondent-Depot Manager, A.P.S.R.T.C Bus Depot, Jagtial, Karimnagar District, in proceedings No.02/292(4)/95-JGTL, dated 25-11-1995 as confirmed by the

respondent No.2/Chief Traffic Manager, A.P.S.R.T.C, Karimnagar Region, Karimnagar in his proceedings No.PA/19(260)/99-RM-KR, dated 04-08-1999 imposing punishment of deferment of increment for a period of two years with cumulative effect is a major punishment and cannot be imposed without conducting departmental enquiry and such imposition is contrary to law and contrary to the Judgment of the Supreme court in **Kulwanth Singh Gill v. State of Punjab**^[1], and due to such major punishment the petitioner is facing much financial problems as he is drawing less salary.

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

Admittedly, the 3rd respondent without conducting departmental enquiry imposed the penalty of stoppage of annual increment for a period of two years, with cumulative effect on the basis of the charges leveled against the petitioner which is a major penalty as is held by this Court in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005 following the Judgment of the Supreme Court in **Kulwanth Singh Gill v. State of Punjab**. The operative portion of the judgment in W.P.No.23114 of 2005, dated 27-10-2005 reads thus:

“In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.

Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs.”

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 directing the respondents as under.

The respondent No.2 is directed to treat the order passed by him in proceedings No.PA/19(260)/99-RM-KR, dated 04-08-1999 confirming the order of respondent No.3 in proceedings

No.02/292(4)/95-JGTL, dated 25-11-1995 as the one for stoppage of annual increment, for a period of two years without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

(N.V. RAMANA, J.)

Date:16th June, 2006.
GRK

[\[1\]](#) 1990 (1) LLJ 635